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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Fifth periodic report of States parties due in 2015

Kuwait*

I. Introduction

1. Kuwait acceded to the Convention on the Elimination of All Forms of Discrimination against Women pursuant to Amiri Decree No. 24 (1994), thus giving concrete expression to the importance which the State of Kuwait accords women. The Convention is consistent with the articles of the Kuwaiti Constitution in respect of enjoyment of all rights guaranteed by the Convention.

2. This fifth periodic report of the State of Kuwait on the implementation of CEDAW has been prepared in compliance with international obligations under article 18 of the Convention. The committee responsible for preparing and drafting the reports of the State of Kuwait to the relevant human rights organizations includes all governmental bodies. Furthermore, two consultative meetings were held with relevant Kuwaiti non-governmental organizations.

3. In 2014, the State of Kuwait submitted a report to the CEDAW committee on 8 December 2014, under document no. M503/2014, providing information on the steps taken by Kuwait to implement the recommendations contained in paragraphs 31-35 of the concluding observations.

4. Kuwait will address various aspects of the Convention in this report, which is composed of three parts: part I forms the introduction; part II comprises the core document, consisting of: A. General information on Kuwait; B. General framework for the protection and promotion of human rights; and C. Information on non-discrimination, equality and available remedies; part III is devoted to legislative, judicial and administrative measures taken by Kuwait to implement the articles of the Convention.

Note: The present document is being circulated in Arabic, English, French and Spanish only.

* The present document is being issued without formal editing.

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II. Core document

A. General information on the State of Kuwait

Demographic, economic, social and cultural features

Kuwait is located in the north-western corner of the Arabian Gulf between latitudes 28° 45' and 30° 05' and longitudes 46° 30' and 48° 30'. It has a total surface area of 17,818 square kilometres and a population of 3,448,139 inhabitants in 2014 (1,159,787 Kuwaitis and 2,288,352 non-Kuwaitis). It is a member of the Gulf Cooperation Council, the League of Arab States, the Organization of the Islamic Conference and the United Nations.

On the economic front, Kuwait is one of the world's major oil producers and exporters and a founding member of the Organization of the Petroleum Exporting Countries. Given its geographical location in the desert region, Kuwait has a continental-type climate characterized by long, hot and dry summers and short, warm and sometimes rainy winters.

On the basis of social indicators, Kuwait is regarded as a developed country. In 2013, the rate of natural increase was 53.517 per cent and in 2015 the illiteracy rate had fallen to under 2 per cent. The rate of enrolment in general education has risen to 80 per cent at kindergarten level, 97 per cent at primary level, 94 per cent at intermediate level and 82 per cent at secondary level. In addition, there is an increasing demand for higher education. Per capita income was KWD 12,405 (equivalent to USD 41,053) in 2014.

Kuwait is committed to the delivery of free health care at all levels as a human right, in accordance with articles 10, 11 and 15 of its Constitution. The country has a total of 95 primary health-care centres, six public hospitals and three specialist medical centres. Health services are provided on a fair and equal basis to all individuals (citizens, residents, the aged, children, persons with special needs, women, young people, employees etc.).

Kuwait takes a close interest in the right to education. Education has been provided free of charge at all levels from kindergarten to university since 1965 and is compulsory at primary and intermediate stages. Spending on education accounted for 9 per cent of the State budget in 2014. Furthermore, Kuwait takes an interest in the education of persons with disabilities by providing a full range of education services, integrating some into the general education system and establishing special schools for others.

Constitutional, political and legal structure of the State

Kuwait is an independent, fully sovereign Arab State. Its religion is Islam, its official language is Arabic and its form of government is democratic. As stated in an explanatory note to the Constitution, the democratic system adopted is seen as a middle way between the parliamentary and presidential systems, indicating the embodiment of basic democratic principles. Kuwait's system of government operates on the constitutional principle of the separation of powers and cooperation among them.

One entire part of the Kuwaiti Constitution, which is divided into five chapters, is devoted to these powers. Chapter I states that legislative authority is vested in the

Amir and the National Assembly, in accordance with the Constitution; that executive authority is vested in the Amir, the Cabinet and ministers; and that judicial authority is vested in the courts, which exercise it in the name of the Amir within the limits set by the Constitution.

Chapter II of the above-mentioned part of the Constitution deals with the powers of the Head of State, as follows:

(a) He exercises his powers through his ministers and appoints the Prime Minister, whom he may also remove from office;

(b) He is the Commander-in-Chief of the Armed Forces;

(c) He formulates implementing regulations to give effect to laws, as well as such regulations as are necessary for the organization of public departments and administrative bodies of the State;

(d) He appoints civil and military officials and political representatives to other States.

The Amir exercises other powers in addition to the above, namely:

(a) *Legislative authority*: Under article 79 of the Constitution, legislative authority is vested in the Amir and the National Assembly, which comprises 50 members, elected directly by universal suffrage and secret ballot for a term of four years. This is the body empowered under the Constitution to pass legislation. Chapter III of this part of the Constitution sets out the provisions relating to the legislative authority.

(b) *Executive authority*: Executive authority is vested in the Amir and the Cabinet, which controls State departments, formulates and oversees implementation of the general policy of the Government, and supervises the work of Government departments. Each minister is responsible for supervising the affairs of his ministry, carrying out the general policy of the Government and formulating and monitoring the implementation of his ministry's policies.

(c) *Judicial authority*: Judicial authority is vested in the courts, which exercise it in the name of the Amir. The independence of the judiciary is guaranteed by the Constitution and by law. The underlying principle is that the honour of the judiciary and the integrity and impartiality of judges are the bases of governance and a guarantee of rights and freedoms. In administering justice, judges are not subject to any authority. The law guarantees the independence of the judiciary and the safeguards and provisions relating to judges. The Constitution specifically addresses judicial authority to secure its independence.

B. General framework for the protection and promotion of human rights

At the outset, it is worth mentioning that Kuwait has acceded to a number of international human rights conventions, as follows:

Name of Convention
• Slavery Convention (1926)
• Slavery Convention (amended, 1926)
• Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
• International Convention on the Elimination of All Forms of Racial Discrimination
• Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
• International Convention on the Suppression and Punishment of the Crime of Apartheid
• Convention on the Rights of the Child
• Convention on the Elimination of All Forms of Discrimination against Women
• Convention on the Prevention and Punishment of the Crime of Genocide
• Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity
• Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
• International Covenant on Civil and Political Rights
• International Covenant on Economic, Social and Cultural Rights
• International Convention against Apartheid in Sports
• Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
• Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
• Minimum Age Convention, 1973 (no. 138)
• Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (no. 182)
• Arab Human Rights Charter, approved by Act no. 84 (2013)
• Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, ratified pursuant to Act no. 5 (2006), enacted 27 March 2006.

The Kuwaiti Constitution serves as the political and legal umbrella for human rights principles in Kuwait generally. However, numerous pieces of Kuwaiti legislation

relating to matters of human life were enacted before the Constitution was promulgated, the aim of which was to provide judicial safeguards for individuals in Kuwait. This legislation includes in particular the Criminal Code and the Code of Criminal Procedure, both of which date from 1960.

Given the importance of human rights, most provisions in the Constitution enshrine the principles on which the international community holds a firm position, as enunciated in the relevant international instruments. With a view to upholding these principles still further, the Constitutional Court was established pursuant to Act no. 14 (1973) in order to ensure that rights and freedoms are guaranteed, respected and applied to the fullest extent. The Kuwaiti Constitution attaches the utmost importance to rights and freedoms. Accordingly, it makes explicit provision for such rights in the majority of its articles, including:

- The people are the source of all powers; sovereignty, resident in the people, belongs to the community (art. 6);
- Justice, equality and liberty (art. 7);
- Protection of the family, maternity, childhood and youth (arts. 9 and 10);
- Care and social security for all citizens in old age, sickness or the event of incapacity to work (art. 11);
- Free education guaranteed and promoted by the State (art. 13);
- Promotion of science and literature and encouragement of scientific research (art. 14);
- The right to health care (art. 15);
- The right of individuals to own property, and the sanctity and protection of public property (arts. 16 and 17);
- The inviolability of private property such that no one's property may be expropriated except in the public interest under the circumstances specified by law and subject to the condition that fair compensation is paid (art. 18);
- The right to hold public office (art. 26).

Human rights principles contained in part III of the Constitution

This part is devoted to public rights and duties. It contains many of the principles enshrined in international human rights treaties, as follows:

- Citizenship may be withdrawn or withheld only within the limits prescribed by law (art. 27);
- No Kuwaiti may be exiled from his country (art. 28);
- Equality, with no discrimination on the grounds of race, origin, language or religion; all citizens are equal before the law in public rights and duties (art. 29);
- Freedoms and rights, such as personal freedom (art. 30), freedom of belief (art. 35), freedom of opinion and scientific research (art. 36), freedom of the press, printing and publishing (art. 37), freedom of private life and residence (art. 38), freedom of communication by post, telegraph and telephone, and

freedom to form associations and trade unions (art. 43), and the right of assembly (art. 44);

- No individual may be arrested, imprisoned, tortured, compelled to reside in a specific place or have restrictions placed on his personal freedom, residence or movement. Torture and degrading punishment are prohibited (art. 31);
- There is neither crime nor penalty except as provided by law (art. 32);
- An accused person is presumed innocent until his guilt is established at a lawful trial at which the necessary safeguards for exercise of the right of defence are guaranteed (art. 34);
- The right to free education at all levels, in addition to which education is compulsory at the primary level (art. 40);
- The right to work (art. 41);
- The extradition of political refugees is prohibited (art. 46);
- Persons with low incomes are exempt from taxation (art. 48).

Principles contained in part IV of the Constitution

The five chapters comprising this part define the bases of the system of governance in the State, as well as the specific features and functions of the three authorities. The principle of the separation of powers is affirmed in article 50. Chapter V of this part sets out important fundamental principles concerning the judiciary, the impartiality of which is deemed to be the basis of governance and guarantee of rights and freedoms. The following principles are affirmed:

- The principle of the independence of the judiciary and the freedom of judges from interference (art. 163);
- The principle of the right to institute legal proceedings (art. 164).

Established pursuant to Act no. 14 (1973), the Constitutional Court has sole authority to interpret the text of the Constitution and settle disputes relating to the constitutionality of laws, legislative decrees and regulations. Rulings of the Constitutional Court are binding on all other courts. In 2014, Act no. 109 (2014) was passed, strengthening the right of resort to the Constitutional Court by allowing persons the right to appeal directly the unconstitutionality of laws and regulations before the Court.

Supreme Human Rights Committee

Within the organizational framework of human rights and for the purpose of establishing these general principles, a ministerial decree was issued in 2008, providing for the establishment of a Supreme Human Rights Committee, the functions of which were stated as:

(a) Fostering awareness of human rights through the various media, holding seminars and talks, and undertaking studies on human rights;

(b) Endeavouring to incorporate basic human rights concepts into the curricula in both general and higher education.

The passage of Act no. 67 (2015) resulted in the transfer of all the responsibilities of the Supreme Human Rights Committee to the National Bureau for Human Rights.

Measures taken by the State of Kuwait to implement the articles of the Convention

Article 1

Kuwait has gone to great lengths to enable women to exercise their rights and perform their duties in a manner consistent with the Constitution, which guarantees their political, social and economic rights, providing not only for full equality of the sexes, without distinction, but also entrenching equality through articles 7, 29, 30, 35, 37, 40, 41, 43, 44, 45 and 80. To apply the articles of the Constitution, a number of laws enshrining equality and non-discrimination have been passed, including:

- Compulsory Education Act no. 11 (1965), amended by Act no. 23 (2014);
- Labour (Non-governmental Sector) Act no. 6 (2010);
- Election Act no. 17 (2005).

Article 2

Equality between men and women is given concrete form in the Kuwaiti Constitution by steering its discourse and formulating articles in such a way that the word "citizen" or "individual" includes both men and women, without discrimination. Article 29 of the Constitution guarantees the principle of equality and we find many laws and decrees, such as the guarantee of public office and job privileges, admission to university, right of movement, issue of official documents and other measures, on which the Constitutional Court and administrative judiciary base their decisions.

All forms of legislation, whether acts, regulations or decrees, involve the removal of discrimination and affirmation of gender equality in all areas, including education, health, housing, employment and social security. Furthermore, the State has taken the measures necessary to afford legal protection for women in terms of ensuring their right to engage in litigation, obtain their legal rights and have punishment enforced for outrages committed against them.

No institutions of State, whether governmental or non-governmental, discriminate against women in either the public or private sector. On the contrary, the Labour Act discriminates positively in favour of women in the private sector, granting them additional rights consistent with their nature, including reduced working hours and exclusion from arduous labour.

No distinction between men and women is made by the articles of the Constitution in respect of any rights, such as health, movement, welfare, guarantee of domicile, freedom of opinion and expression, employment and education.

We would like to affirm that right of recourse to the courts is guaranteed to all under article 166 of the Constitution, affording effective protection for women in courts of all levels and removing any discrimination a woman may feel (by way of example, refer to the ruling on numbers of female students at the Faculty of Medicine). Legal proceedings in Kuwaiti courts of all levels are regulated by the Code of Civil and Commercial Procedure, no. 38 (1980) and Code of Criminal Procedure, no. 17

(1960). The provisions of both codes apply to all litigants, without discriminating between men and women.

It is worth noting that the principal of equality stipulated in article 29 of the Constitution finds application in many judicial rulings challenging gender-based discrimination. Example of this include the above-mentioned rulings of the Constitutional Court and administrative judiciary on the right to hold public office and receive job privileges, admission to university, right of movement, issue of official documents etc.

Article 3

The Kuwaiti legislature guarantees women their rights in all areas and the country's Constitution contains articles stating this, including:

- Article 7: *Justice, liberty and equality are the pillars of society; co-operation and mutual help are the firmest bonds between citizens.*
- Article 8: *The State safeguards the pillars of society and ensures security, tranquillity and equal opportunities for citizens.*
- Article 9: *The family is the corner-stone of society. It is founded on religion, morality and patriotism. The law shall preserve the integrity of the family, strengthen its ties and protect under its auspices motherhood and childhood.*

The aforementioned article 29 indicates the wish of the State of Kuwait to entrench this system in Kuwaiti society and for each individual to enjoy the same rights without discrimination.

Seeking to empower and develop women in all areas, the State of Kuwait has included women — including women with special needs — in its development plans. An example is the medium-term development plan (2015/2016 — 2019/2020), in which the development of women is one of the core themes.

1. Economic empowerment of Kuwaiti women

At 50.9 per cent, Kuwaiti women make up over half of the Kuwaiti population. The following table shows the development of the key indicators of women's economic empowerment in the period 2010-2014:

Table 1
Development of the key indicators of women's economic empowerment (2010-2014)

Indicator	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*
Percentage of female public sector employees	44.8	44.2	44.4	45.0	45.7	
Percentage of female private sector employees	50.5	51.1	51.6	51.4	50.7	
Percentage of women in subministerial leadership positions	7.6	9.9	15.1	20.0	23.0	

Significant achievements in this area:

- Tangible, qualitative progress in levels of involvement in economic activity and the job market, with 47 per cent of Kuwaiti women participating in the job market in 2014. This is due to increased enrolment of Kuwaiti women in education and the entry of a new generation of educated women into the job market. This has had a significant impact on the economic situation of the family.
- Growing participation of Kuwaiti women in the job market, with women making up 45.7 per cent of public sector staff and 50.7 per cent of private sector staff in 2014.
- Women made up 23 per cent of all those occupying subministerial leadership positions in 2014.
- Entry of women into the judiciary following the issue of a ministerial decree appointing 62 prosecutors of whom 22 are female.

2. Social empowerment of Kuwaiti women

The State of Kuwait seeks to empower women in numerous fields, including:

(a) Educational empowerment: The State of Kuwait has for a long time been working to achieve the aim of gender equality as one of the Millennium Development Goals, requiring removal of gender disparities in pre-tertiary education by the beginning of 2005 and in all stages of education by the beginning of 2015.

Table 2
Key gender equality indicators in education in Kuwait (2011-2014)

Year	*Total rate of enrolment in primary education*	*Total rate of enrolment in secondary education*	*Total rate of enrolment in higher education*
2010/2011	1.08	1.31	1.64
2011/2012	1.09	1.31	1.55
2012/2013	1.10	1.33	1.53
2013/2014	1.10	1.36	1.54

The above table shows the following:

- Timely action on closing the gender gap in education, as one of the Millennium Development Goals. Rates of enrolment of Kuwaiti females at all stages of education, particularly secondary and higher education, are higher than those for males. This has helped Kuwait to achieve gender equality in education in advance of the deadline of the beginning of 2015 for achieving the Millennium Development Goals.
- Kuwait has achieved first place globally in closing the gender gap with respect to access to education, in terms of rates of enrolment in secondary and higher education. This is a reflection of the importance the State of Kuwait accords to providing Kuwaiti women with full educational opportunities.

(b) Health care: Women enjoy all the health services provided by the State, particularly primary care services, which are provided free of charge. The following table shows woman and child health indicators in the period 2009-2013.

Table 3
Woman and child health indicators (2009-2013)

Indicator	*2009*	*2010*	*2011*	*2012*	*2013*
Infant (< 1 year) mortality rate	10.7	8.7	8.3	7.7	7.6
Child (< 5 years) mortality rate per 1,000 births	12.6	10.3	9.5	9.0	9.2
Maternal mortality rate	12.4	5.2	10.3	1.7	6.7

The data in the above table indicate:

- A fall in rates of maternal mortality;
- The achievement by Kuwait of the fifth of the Millennium Development Goals (to improve maternal health) some ten years in advance of the deadline set;
- A positive development in reducing rates of childhood mortality, both infant (below the age of 1 year) and child (below the age of five years).

(c) Social security: The State of Kuwait is at the vanguard in the field of social solidarity, particularly in relation to social groups needing special care, such as the elderly and handicapped; it also applies to Kuwaiti women. This is in implementation of article 11 of the Constitution, which states: *The State ensures aid for citizens in old age, sickness or inability to work.*

Kuwaiti women enjoy an integrated system of care and social security. This protects them, in particular, against poverty, given that it is the woman who bears the heaviest burden of responsibility for the family in the event of the death, separation or incapacity of her husband.

Table 4
Increase in the numbers of those entitled to social assistance (2010-2013)

Category	*2010*	*2011*	*2012*	*2013*
Widows	1 520	1 499	1 513	1 858
Divorcées	11 588	11 463	11 608	11 942
Women married to illegal residents	3 222	3 675	3 918	3 821
Total	**16 330**	**16 637**	**17 039**	**17 621**

The indicators show:

- A 7.9 increase per cent in the number of those entitled to social assistance in the period 2010-2013;

- A qualitative development in the social assistance system by fostering the capacity of Kuwaiti women and their families to increase their levels of income: the Ministry of Social Affairs has applied a new philosophy to providing services, adopting advanced programmes to develop human capacities with the goal of transforming recipient groups, particularly females, into productive groups.

(d) Housing welfare: The Government has established a housing fund to support certain groups of women, including divorcées, widows, unmarried women and women married to non-Kuwaitis. The fund sets easy terms for women to obtain their housing welfare rights so that no Kuwaiti women shall be denied the right to housing welfare, regardless of family or social situation or age.

(e) Political empowerment: The year 2005 was a key one for the advancement of Kuwaiti women. It was at a historic session on 16 May of that year that the National Assembly ratified an amendment to article 1 of the Elections Act, no. 35 (1962), granting Kuwaiti women full political rights to vote and stand as candidates. This was followed in the same year by the appointment of the first female Kuwaiti minister of State. Furthermore, two women were appointed to membership of the Municipal Council, representing the culmination of the advancement of Kuwaiti women over long decades of challenge and giving.

3. Goals and policies for women's welfare and empowerment in the 2015/2016 — 2019/2020 development plan

(a) Caring for and developing the capacities of Kuwaiti women:

1. Review and update of all legislation relation to Kuwaiti women's issues to help remove all forms of discrimination against women, without conflicting with the principles of the Islamic Shariah;

2. Promote social, economic and professional capacity-building programmes for women, ensure family and psychological stability by implementing training programmes to enhance women's competence and foster their participation in public life, provide services for working women and encourage and support small-scale enterprises run by women;

3. Create an institutional mechanism to protect women from all forms of community and domestic violence by creating, in collaboration with relevant governmental agencies, a national centre to combat domestic violence that will protect and support women.

(b) Fostering the societal empowerment of Kuwaiti women:

1. Empower Kuwaiti women and widen the scope of their participation in society by enhancing their role in economic, social and political decision-making positions.

Article 4

The measures taken by the State to protect motherhood do not represent gender discrimination but are consistent with the nature of women. For example, the Employment Act forbids the employment of women late at night and in hazardous

or arduous work. This is not discrimination but is, rather, consistent with a woman's physical constitution.

It is worth noting that, following adoption of the legislative amendment introduced by Act no. 17 (2005), establishing equality between men and women for the first time in respect of the right to vote and stand as candidates for membership of the National Assembly, enforcement of the amendment on the ground required passage of Act no. 67 (2005) on a temporary basis to address the mechanism of registering female voters in the electoral registers, the periodic deadlines of which — given the number of women entitled to exercise this right and the brevity of the normal period for registering male voters — would not accommodate registration of female voters, allow them to exercise their right to vote or stand as candidates. The solution involved the electoral commission registering eligible female voters in the male electoral registers in accordance with their data as shown in the Civil Information System, upon the said act coming into force.

This amendment came into force in time for the elections for the 11th legislative season (2006/2008) of the National Assembly, held on 29 June 2006, and was discontinued thereafter. The situation returned to normal, with a mechanism for registering men and women in the electoral registers for all subsequent general elections, in accordance with the rules previously in force. A Constitutional Court committee dismissed appeals against the probity of this temporary measure (appeals nos. 1 and 2 (2008), session of 20 April 2008).

The granting of maternity leave on full pay, post-delivery leave and nursing leave and leave to look after a sick child are not held to be discrimination but, rather, a right accorded to women that is consistent with their human nature.

Article 5

In recent years, the Ministry of Education has amended the school curricula to bring it into line with modern developments and include such topics as women's rights, stereotypes of women's role in society and the importance of women's rights issues. The subject of women has come to occupy a large place in the curriculum, including in Islamic education, Arabic language and social subjects, affirming that women have an important role to play in the life of the community and that they have the same rights as men in the Islamic religion and under Kuwaiti law.

Women's rights topics taught as part of the human rights curriculum at secondary level address the following:

- Forms of the violation of women's rights throughout history;
- Importance of women's rights;
- Rights of women in Islam;
- Rights of women in international charters;
- Rights of women in the Kuwaiti Constitution.

The teaching of women's rights underlines women's equality with men in respect of citizenship and will promote the following:

- Recognition of women's humanity and an appreciation of their position in society;

- That women's enjoyment of rights will foster their role in the development of the country;
- That violation of women's rights is a violation of human rights.

Legislative Decree no. 19 (2012), on the protection of national unity, criminalises any call to discriminate against women, with article 1 thereof outlawing the dissemination of ideas calling for the superiority of any gender..... or inciting acts of violence for this purpose, or transmitting, disseminating, printing, broadcasting, rebroadcasting, producing or circulating any content, printed material, audiovisual material or broadcasting or rebroadcasting mendacious rumours designed to bring about the above.

Article 2 provides for imprisonment of not more than seven years and a fine of not more than KWD 10,000, together with confiscation for anyone who violates this prohibition. Punishment shall be doubled in the event of repeat violation.

There is no doubt that the provisions of the Kuwaiti Constitution have consolidated the concept of equality as a general principle. As long as it upholds this approach, it is absolutely essential to harmonise all national legislation and policies with the Constitution so that there is no opportunity for violation or abandonment of its nationally established scope.

Although this is the general constitutional principle with regard to gender equality in Kuwaiti society, it should be noted that these concepts of equality are checked by the principles and rules of the Islamic Shariah, in accordance with article 2 of the Constitution, which stipulates: *The religion of the State is Islam and the Islamic Shariah shall be a main source of legislation.*

Furthermore, sex education and reproductive health and rights are taught in the school curriculum at all levels, both implicitly and explicitly at the same time. These topics are covered as follows:

(a) Sex education is taught through the following topics:

- Sexual reproduction (definition, importance thereof);
- Male and female reproductive systems;
- Sexually transmitted diseases and immunity;
- Sexual morality and ethics.

(b) Reproductive health is taught through the following topics:

- Fertility;
- Pregnancy (embryonic membranes, placenta, umbilical cord);
- Parturition;
- Breastfeeding;
- In vitro fertilization;
- DNA;
- Sexual characteristics;
- Human genetics;
- Genetic engineering.

Article 6

In response to its international commitments, the State of Kuwait passed into law Act no. 91 (2013), on trafficking in persons and smuggling of migrants. Article 1 defines the terms appearing in the act, including organized transnational crime, trafficking in persons, smuggling of migrants and the nature of illegal entry. Article 2 of the act provides for the death penalty as the maximum punishment for human trafficking.

Article 3 of the act provides for a term of imprisonment of not more than 15 years and a fine of not less than KWD 10,000 and not more than KWD 20,000 for those who commit the crime of smuggling migrants.

Article 4 of the act deals with cases of hiding an accused person or the proceeds of the crimes of trafficking in persons or smuggling of migrants. Article 5 provides for the confiscation of movable property, means of transport and items seized which were used or designed to be used in committing the crimes of trafficking in persons or smuggling of migrants.

Article 6 of the act provides for the punishment of the legal representative and actual director of a corporate person on whose behalf the crime of trafficking in persons or smuggling of migrants was committed, without prejudice to the personal criminal responsibility of the perpetrators.

Article 7 of the act provides for a term of imprisonment of not more than three years and a fine of not less than KWD 1,000 and not more than KWD 3,000 for anyone with knowledge of a plan to commit the crime of trafficking in persons or smuggling of migrants who fails to notify the authorities thereof.

Article 8 of the act provides penalties for assaulting a law enforcement officers. Article 9 criminalises the use of force, intimidation or bribery to compel a person to give false testimony or mendacious information.

Article 10, meanwhile, deals with exemption from punishment of an offender who notifies the authorities of a crime before it is committed. Article 11 of the act stipulates that the public prosecutor shall have exclusive competence to investigate, asses and prosecute offences under the act.

Article 12 provides for the Office of the Public Prosecutor or a competent authority to refer victims to the medical authorities or a social welfare home or to issue an order for placement in a State-designated shelter.

Article 13 provides that a death sentence may not be commuted to life imprisonment, nor may a life sentence be commuted to one of a fixed-term of imprisonment, save as otherwise provided in article 83 of the Criminal Code.

Article 12 of the act grants the public prosecutor or competent body the right to refer victims to the medical authorities or care home or order them to be placed in a State-appointed shelter. Article 13 of the act affirms that, as an exception to article 83 of the Penal Code, the death penalty may not be commuted to life imprisonment or life imprisonment commuted to a fixed term of imprisonment. The same article affirms that the courts may not order a stay of execution or suspended sentence in relation to any of the crimes stipulated under the act.

We should not overlook the protection affirmed by the Kuwaiti legislature under the Penal Code, no. 16 (1960, amended) to ensure the fight against trafficking in persons and protect the rights of those who fall victim to this crime while on

Kuwaiti territory. The Penal Code is replete with stipulations and provisions specifically designed to provide an umbrella of protection for workers' rights and freedoms. Of these provisions, we might draw attention to articles nos. 186, 187, 190, 191, 192, 193 and 194.

Furthermore, article 49 of Act no. 31 (1970), amending the Kuwaiti Penal Code, no. 16 (1960), outlaws all forms of coercion or exploitation of person or the withholding of wages without justification.

To sum up, we note that article 185 of the Kuwaiti Penal Code forbids bringing anyone into or out of Kuwait with the intention of disposing of that person as a slave. It further forbids the purchase, offer for sale or give a human being to another as a slave. The article provides for a sentence of imprisonment and a fine for anyone committing such acts. That the legislature is anxious to criminalise the exploitation of prostitution is evident from articles 201, 202, 203 and 204 of the Kuwaiti Penal Code.

Article 7

Act no. 17 (2005), which gives women the right to vote and stand as candidates in all elections and referendums, has helped greatly to promote women's participation in political, social and economic life and given women the opportunity to take part in all elections. As such, discrimination against women's political participation has been eliminated and they have begun to exercise a natural and constructive role in society.

Women participate in the formulation of State policy by having a ministerial presence in the Cabinet and in leadership and executive positions in all the institutions of Government which formulate State policy. At present, there is a female Minister of Social Affairs and Labour, who is also Minister of Development and Planning, in charge of the formulation of State development plans. Indeed, in recent years, Kuwaiti women have been given responsibility for the Ministry of Development and Planning, the body responsible for formulating the State's development policy, with three women occupying this position in recent times. This underlines the State's eagerness to involve women in formulating and monitoring implementation of public policy.

As regards the participation of Kuwaiti women in non-governmental associations and trade unions involved with public life, the Constitution and law in force guarantee Kuwaiti women the right to membership of relevant civil society organizations, in addition to the existence of special women's committees in many organizations, and membership of boards of directors and involvement in the formulation of executive plans and programmes. Article 43 of the Constitution affirms the freedom to form associations and unions on a national basis, operating peacefully under the terms and conditions of the law.

In implementation of this constitutional provision, Act no. 24 (1962), on philanthropic clubs and associations, was passed into law. Article 1 defines what is meant by philanthropic clubs and associations and regulates the terms of association, in addition to the provisions relating to administration, funding and dissolution.

By 2015 there were 114 civil society organizations, of which seven were women's organizations concerned with women's affairs. Women also make a prominent

contribution to other charitable and philanthropic associations, as well as in the women's committees attached to many of these organizations, on whose boards they have a presence. One such organization — the Women's Cultural and Social Society — operates in an advisory capacity for the United Nations Economic and Social Council (ECOSOC). These associations are:

- Women's Cultural and Social Society;
- Bayadir al-Salam Women's Society;
- Islamic Welfare Society;
- Kuwaiti Women's Voluntary Society for Community Service and Development;
- Union of Kuwaiti Women's Associations;
- "Together" Family Development Society;
- Fatat Sports Club;
- Kuwait Association for the Ideal Family;
- National League for Family Security

These associations seek to raise and advance the level of women in various areas, ensure their participation in community activities and promote awareness of women's rights, duties and matters of concern to them.

Article 8

The wish of the State of Kuwait to empower women to represent the Government at international level and in the work of international organizations stems from a belief in the outstanding capacities and capabilities displayed by Kuwaiti women when assuming the responsibilities of representing the Government in international quarters. This wish took concrete form in 2014 when the door was opened to Kuwaiti women to join the diplomatic corps (Ministry of Foreign Affairs) on the same terms and conditions as men. It is worth noting here that Kuwaiti women hold the position of ambassador of their country abroad and that women are almost as well represented as men among the staff of the *diwan* of the Ministry of Foreign Affairs. Women's representation in Kuwaiti missions abroad has increased markedly of late. The statistics below indicate an increase in the representation of Kuwaiti women recently in the *diwan* of the Ministry of Foreign Affairs and its overseas missions.

It should be noted that Kuwaiti women work in a number of accredited international humanitarian organizations in Kuwait, namely:

- International Organization for Migration;
- Office of the United Nations High Commissioner for Refugees;
- United Nations Office for the Coordination of Humanitarian Affairs.

Kuwait is keen to utilize the outstanding qualities and capacities of women to represent the country in international committees and organizations, particularly those concerned with human rights and it is worth noting here that Kuwait's delegation to the Human Rights Council to present the country's second national report under the Universal Periodic Review in January 2015 was headed by a

woman, Hind al-Sabih, Minister of Social Affairs and Labour. It is further worth noting the broad representation of Kuwaiti women on the country's committee charged with preparing reports to international human rights committees and organizations. In fact, there are 13 female members compared with 15 male members on this important committee, responsible for drafting and formulating Kuwait's position vis-à-vis international conventions and instruments relating to human rights, including women's rights.

Keen to support international efforts designed to promote human rights and in the light of the inclusion by the United Nations of human rights among the Sustainable Development Goals and in its post-2015 development plan, we would like to note here Kuwait's accession to membership of ECOSOC's Commission on the Status of Women for the period 2016-2020. Kuwait's aspiration to membership is premised on an awareness of the committee's key role in the process of shaping global policy on gender equality and promoting women's rights.

As part of the efforts to educate the public on the rights of Kuwaiti women and on the basis of a proposal submitted by the Cabinet's Women's Affairs Committee, the Government of the State of Kuwait adopted 16 May of each year as Kuwaiti Women's Day.

Given the State of Kuwait's belief in the important role of international organizations concerned with women's affairs and rights, it is worth drawing attention to the annual voluntary contribution of USD 50,000 made to UN-Women, alongside the other annual voluntary contributions made by Kuwait to international human rights bodies in general whose priorities include promoting women's rights at global level.

Article 9

The State of Kuwait has been anxious to respect the rights of women and the equality of men and women in all areas of life and nothing shows this more than Amiri Decree no. 15 (1959, amended), on Kuwaiti nationality, which does not discriminate between men and women, as the following articles clearly indicate:

- Article 1 stipulates: *Original Kuwaitis are those persons who were settled in Kuwait prior to 1920 and who maintained their normal residence there until the date of the publication of this law. Ancestral residence shall be deemed complementary to the period of residence of descendants. A person is deemed to have maintained his normal residence in Kuwait even if he resides in a foreign country, if he has the intention of returning to Kuwait.*
- Article 2 stipulates: *Any person born inside or outside Kuwait whose father is a Kuwaiti national shall himself be a Kuwaiti national.*
- In article 3 of the Nationality Act (1959), the Kuwaiti legislature affirms: *Kuwaiti nationality is acquired by any person born in Kuwait to a Kuwaiti mother and a father who is unknown or whose relationship to that person is not established in law.*
- *A foundling, whether male or female, born in Kuwait shall be granted Kuwaiti nationality.*

- The three paragraphs of article 5 represent the culmination of equality between men and women. Paragraph 1 allows the granting of nationality *to any man or woman who has rendered valuable service to Kuwait*.

To ensure that marriage to a foreign man or the change of her husband's nationality in the course of the marriage does not result in automatic change of the wife's nationality or render her stateless, the ministry wishes to clarify the following:

- Under article 10 of Amiri Decree no. 15 (1959, amended), on Kuwaiti nationality, a Kuwaiti woman who marries a foreigner shall not lose her Kuwaiti nationality unless she acquires the nationality of her husband at her own request.
- Under article 11 of the said act, if a Kuwaiti man loses his Kuwaiti nationality by electing to become a naturalized citizen of another State, it shall not be a consequence thereof that his Kuwaiti wife loses her Kuwaiti nationality unless she acquires his new nationality.
- Under article 12 of the said act, a Kuwaiti woman who has lost her Kuwaiti nationality by acquiring the foreign nationality of her husband may regain Kuwaiti nationality under the following conditions:
  (1) That she renounce her foreign nationality;
  (2) That she has maintained her normal residence in Kuwait or has returned to reside in Kuwait;
  (3) The issue of a Cabinet decision, pursuant to a submission by the Minister of Interior; the woman shall be deemed to have regained Kuwaiti nationality from the date of Cabinet approval.

It is clear from the foregoing that the Kuwaiti Nationality Act establishes a balance between two things. The first of these is the prohibition of dual nationality; the second is respect for a woman's right always to have a nationality and that she will not lose her Kuwaiti nationality unless she elects to acquire foreign nationality. The act allows her to regain Kuwaiti nationality, if she renounces the foreign nationality she acquired of her own accord.

As regards a woman being granted the same right as a man in relation to the nationality of her children:

- Amiri Decree no. 15 (1959), on Kuwaiti nationality, adopts the principle applied in most laws around the world, namely that of granting nationality on the basis of *jus sanguinis*, i.e. nationality is linked to the father. Thus, article 2 of the decree stipulates: *Any person born inside or outside Kuwait whose father is a Kuwaiti national shall himself be a Kuwaiti national*.
- However, the Nationality Act grants Kuwaiti nationality to the children of a Kuwaiti woman under specific conditions, added on compassionate grounds, and does so whenever these conditions are met, with no temporal condition. This is the substance of article 3 of the Nationality Act, which stipulates: *Kuwaiti nationality is acquired by any person born in Kuwait to a Kuwaiti mother and father who is unknown or whose relationship to that person is not established in law*.

- Paragraph 2 was added to article 5 by Act no. 100 (1980), amending the Kuwaiti Nationality Act, no. 15 (1959). This grants Kuwaiti nationality to the children of a Kuwaiti woman, if she has been divorced irrevocably or her husband is deceased or imprisoned.

Below is a table showing the number of persons acquiring Kuwaiti nationality under article 5, paragraph 2 (children of Kuwaiti women) between 1 January 2010 and 22 December 2014:

No	*Original nationality*
2	Eritrea
1	Australia
21	Jordan
5	United Arab Emirates
4	Bahrain
9	Dominican Republic
248	Kingdom of Saudi Arabia
3	Sudan
66	Iraq
4	United States of America
11	Yemen
16	Iran
10	Sultanate of Oman
7	Syria
123	Illegal residents
2	Palestine
4	Palestinian Lebanese
3	Qatar
7	Canada
9	Lebanon
1	Liberia
31	Egypt
Total:	**587**

Article 10

According to article 29, justice and equality are two of the pillars upon which the Kuwaiti Constitution is based. As such, the right to education is available equally to all, without discrimination between men and women. This right is affirmed by several articles of the Constitution and the laws and regulations pertaining to education, which may be clarified as follows:

- Article 40 of the Constitution stipulates: *Education is a right for Kuwaitis, guaranteed by the State in accordance with the law and within the limits of public order and morals. Education in its initial stages shall be compulsory and free in accordance with the law.*

- Article 1 of Act no. 11 (1965), on compulsory education, as amended by Act no. 25 (2014), stipulates that education shall be compulsory and free of charge for all Kuwaiti children, male and female, from the beginning of primary level up to intermediate. The State undertakes to provide school buildings, textbooks, laboratories and the human and material resources necessary to ensure the success of compulsory education.

- The teaching system in higher education places no restrictions or conditions of enrolment and, as such, there is no discrimination against women. Indeed, the court annulled a decision of the Faculty of Medicine restricting the number of places for female students as discriminatory.

It will be evident from the foregoing that equality is guaranteed and clearly a reality in education and training. There are no restrictions on the teaching of women and no discrimination in favour of men. This is a realisation of the principle of the democratization of education. Indeed, we find that enrolment of females exceeds that of males in both general and higher education, at 52 per cent and 66 per cent, respectively. According to international indicators, the State of Kuwait has a very high position in relation to the global average.

Kuwait's progress report on the Millennium Development Goals, published by the Supreme Council for Planning and Development (2014), states that removing the disparity between the sexes in both general and higher education will promote gender equality by above the global average. A report by the Central Statistical Bureau (2014) states that there is a clear improvement in the gender equality indicator, which has contributed to drawing a line under the issue of discrimination between the people of the one homeland.

The indicator of equality which measures the number of girls per 100 boys confirms a marked increase from 98 in 1991 to 112 in 2012.

There is equality in the following aspects of the educational process:

- All learners — male and female — are taught the same curricula, without discrimination, at all educational levels from kindergarten and general education to higher education. Furthermore, study plans are the same at intermediate level and part of secondary, although girls are taught a curriculum that includes special subjects, such as family and consumer sciences and home economics.

- Because of a standardized system of assessment and measurement, which is part of educational policy, the examination system is the same at all levels, without any discrimination or differentiation. Term times, examination times and marking are the same.

- Entering the teaching profession is subject to the conditions set out by the Ministry of Education and consistent with the system of employment of the Civil Service Commission, which is the body concerned with public sector employment. Requirements include a certificate (generally speaking a university degree), several years of experience and medical fitness, and apply to both sexes without discrimination. This same is the case with regard to salaries and salary increases, employment grades, promotion and other aspects of employment.

- Educational facilities are the same for both sexes, which certainly affirms the principle of equal educational opportunities. Facilities include classrooms, libraries, gymnasiums and sports fields, in addition to infrastructure.

The State of Kuwait is endeavouring to eliminate any stereotypes and conventional images of the role of men and women in society. Indeed, the culture of partnership and equality in respect of rights and duties is one of the core principles contained in textbooks. Indeed, in some subjects, more may be said about the role of women than that of men. For example, a subject entitled, "Women's rights" is taught, which deals in detail with the following: the concept of women's rights, a review of the forms of abuse of women's rights throughout history, the importance of women's rights, women's rights in Islam, women's rights in international charters and the rights of women in the Kuwaiti Constitution.

Opportunities for obtaining scholarships and grants are the same for men and women under the appropriate regulations and laws; by way of example, all students in higher education, both male and female, receive KWD 200 monthly (the equivalent of USD 600) from the first year of study until graduation. Grants for students studying abroad are the same. If there is any difference, it will be due to the difference in fees and cost of living between one country and the next. In 2014, there were 2,643 female students studying in 19 countries around the world.

Since 1958, the State of Kuwait has accorded considerable attention to literacy and adult education programmes. It is a concern that has developed over the decades to the point where illiteracy has fallen to 2 per cent among Kuwaitis, concentrated mostly among those over the age of 60.

It must be stressed that these programmes neither ignore women nor discriminate between men and women. Article 4 of Legislative Decree no 4 (1981), on illiteracy, stipulates that education is compulsory for the following:

1. Illiterate male Kuwaitis over the age of compulsory education according to the Compulsory Education Act but below the age of 40;
2. Illiterate female Kuwaitis below the age of 35 who are employed in the public sector.
3. Other Kuwaitis may enrol voluntarily in literacy programmes.

In 2013, there were 15 literacy centres for females, in which 1,429 Kuwaiti and non-Kuwaiti women were enrolled.

As already mentioned, education in Kuwait is compulsory. Accordingly and as a result of social awareness and society's increased demand for education, we find that dropout rates among students are low, at least at the age of compulsory education, and largely confined to girls above the age of compulsory education. Nevertheless, opportunities for enrolling in adult education evening classes are readily available to all females in accordance with the regulations. In 2013, there were 15 centres for females at intermediate level with 2,215 students and 14 centres at secondary level with 5,604 students. Religious Institute evening classes were attended by 316 female students at 7 centres.

The opportunity to take part in games and sports is available to both sexes without discrimination and the subject of physical education is taught to male and female

students alike. Competitions and tournaments provide opportunities to engage in sports as part of daily school activity or at national level.

The Ministry of State for Youth Affairs plays a major role in organizing sporting activities that are open to both sexes without discrimination, in accordance with available opportunities. These include sports competitions and events, with prizes awarded on a continuous basis.

Kuwait's Ministry of Education seeks to provide female learners with instruction in concepts and topics closely linked to the importance of family welfare and the role of women. This concern is oriented in two directions in the curriculum:

- The first is implicit and involves the inclusion of certain topics such as Islamic education, Arabic language and social studies in all subjects of the curriculum, affirming the importance of the family to the individual and community and the importance of respecting, maintaining contact with and showing understanding toward the members of the family, as well as educational activities, such as celebrating family week, mother's day etc. Furthermore, certain topics relevant to the family are taught in science subjects specifically, such as the transfer of inherited characteristics from parents, the effect of genetic mutations, reproduction, the stages of development and the role of the mother and family in looking after and maintaining the health of the child over the years.
- The second orientation involves subjects dealing specifically with family matters, such as family and consumer sciences, which focus on matters relating to the family, such as welfare, cooperation and partnership between family members, lifestyle and standard of living. Furthermore, topics relating to life skills, such as family values, deal with the importance of family bonds and the role of each member within the family.

Article 11

The Kuwaiti Labour Act defines a worker as *any male or female person who performs a manual or mental work for an employer under the employer's management and supervision in exchange for remuneration.*

Accordingly, the law does not discriminate between men and women with respect to the nature of paid work under the supervision and management of an employer but treats them equally in terms of rights and duties. It is not permissible to differentiate between workers' wages on grounds of sex, just as it is not permissible to differentiate between obligations toward the employer with regard to performance of the same job; thus fairness and equality for both parties to the contractual relationship are achieved. However, given the existence of natural differences between men and women, Kuwaiti law and supplementary legislation have established a set of additional rights that introduce several restrictions on the employment of women in certain professions and industries and prohibiting their employment in a manner inconsistent with their nature, in addition to protecting women from dismissal or termination of contract.

Complementing the measures taken to ensure equality in employment and assumption of public office, 22 women have been appointed to work in the judiciary as public prosecutors. After taking the oath in November 2014, they proceeded to conduct criminal investigations into the felonies and major misdemeanours that are

the business of the public prosecutor's office. This experiment is being assessed to ensure it can be extended prior to the appointment of women as judges to hear cases in the court of first instance, once they have completed the period stipulated by law in the position of public prosecutor, in the same way as their male colleagues.

As regards the prohibition of discrimination in wages, article 26 stipulates: *A working woman shall be entitled to remuneration similar to the remuneration of a man if she performs the same kind of work.*

It is forbidden to employ women at night. Thus article 22 of the Labour Act stipulates: *It is prohibited to employ women at night from 10:00 pm to 7:00 am. This excludes hospitals, sanatoriums, private treatment homes and establishments, in respect of which a resolution by the Minister of Social Affairs and Labour shall be issued. The employer shall, in all cases mentioned in this article, provide women with all security requirements as well as transportation to and from the workplace. Working hours during the holy month of Ramadan shall be excluded from the provisions of this article.*

The Labour Act forbids the employment of women in hazardous or arduous work. Thus article 23 states: It *shall be prohibited to employ any woman in jobs that are hazardous, arduous or harmful to health. It shall also be prohibited to employ a woman in jobs that violate morals or that exploit her femininity in a manner inconsistent with public morals. No woman shall be made to work at establishments that provide services exclusively for men. Such works and establishments shall be specified in a resolution from the Minister of Social Affairs and Labour after consultation with the Labour Affairs Consulting Committee and the competent organization.*

Article 45 stipulates: *The employer shall not use the right to terminate a contract while the worker is enjoying one of the leaves stipulated in this law.*

Article 46 of the act introduces a further provision, stipulating: *The service of the worker shall not be terminated without justification or as a result of his union activity or claim for or enjoyment of his legal rights in accordance with the provisions of the law. The service of the worker may not be terminated for reason of gender, race or religion.*

As regards maternity leave, article 24 of the act stipulates: *A pregnant working woman shall be entitled to paid maternity leave of 70 days, not to be calculated as part of her other leaves, provided that she gives birth within this period. At the end of the maternity leave, the employer may give the working woman, at her request, unpaid leave for a period not exceeding four months to take care of the baby. The employer may not terminate the services of a working woman while she is on such leave or during her absence from work due to sickness corroborated by medical certificate stating that the sickness resulted from pregnancy or delivery.*

Article 25 of the Labour Act stipulates: *A working woman shall be allowed a two-hour break during working hours in order to feed her baby according to such conditions as shall be set forth in the Ministry's decision. The employer shall establish a nursery for children below the age of 4 at the place of work in the event that the number of female workers exceeds 50 or the number of workers exceeds 200.*

Regarding paragraph 2(d), we have previously shown (paragraph 1(f)) that protection is afforded at all times and is not limited to the period of pregnancy only.

Social security system

The State of Kuwait has been anxious to put in place a first-class insurance system that meets the needs of the Kuwaiti citizen for social security in its widest sense. To this end, several specialised funds have been established to provide a comprehensive security umbrella, ensuring the legitimate right of the Kuwaiti citizen to a secure retirement for himself and financial and social security for his family after his death.

It is a multipurpose social insurance system, covering all Kuwaiti employees in the public and private sectors, as well as military personnel. The system allows the self-employed to contribute. The following schedule shows the distribution of insured civilians in the period 2010/2011-2013/2014:

Table 5
Distribution of insured civilians in the period 2010/2011-2013/2014

Category	*2010 2011*	*2011 2012*	*2012 2013*	*2013 2014*
Insured civilian employees				
No. of insured persons (active and non-active)	296 726	3 049 415[1]	323 805	321 456
Pensioners (still living)	70 955	72 445	75 163	85 369
Beneficiaries:				
Widows	15 830	16 309	16 700	18 502
Children	28 003	29 070	29 391	28 132
Other	4 076	4 153	4 124	4 041
Total	47 909	49 352	50 215	50 675
Civilians insured by fund for self-employed				
No. of insured persons	12 125	11 733	11 607	18 556
Pensioners (still living)	2 809	3 079	3 335	3 990
Beneficiaries:				
Widows	248	263	271	336
Children	753	815	805	1 035
Other	104	106	105	141
Total	1 105	1 184	1 181	1 512
Military personnel fund				
Pensioners (still living)	15 674	16 828	18 954	18 152
Beneficiaries:				
Widows	4 837	5 004	5 177	5 527
Children	9 061	9 206	9 316	7 103
Other	2 602	2 578	2 559	2 013
Total	**16 500**	**16 788**	**17 052**	**14 643**
Total no. insured	**308 851**	**321 148**	**335 412**	**340 012**

[1] Sic — Translator.

Category	*2010/2011*	*2011/2012*	*2012/2013*	*2013/2014*
Total pensioners	**89 438**	**92 352**	**97 452**	**107 511**
Total beneficiaries	**65 514**	**67 504**	**68 448**	**66 830**
Total no. insured, pensioners and beneficiaries	**463 803**	**481 004**	**501 312**	**514 353**

Source: Public Institute for Social Security (2010-2013 data).

The data pertaining to insurance indicators point indicate:

- An increase in the number of insured persons, pensioners and beneficiaries from 463,803 in 2010 to 514,353 in 2013, a rise of 10.9 per cent. The number of insured persons rose from 308,851 in 2010 to 340,012 in 2013, a rise of 9.2 per cent in the total number of insured persons, pensioners and beneficiaries.
- The period 2010-2013 saw an increase in the number of pensioners from 89,438 to 107,511, representing a rise of 20.2 per cent. This was accompanied by an increase in the number of beneficiaries — widows, children and others — at all insurance levels, including employee, self-employed and military.
- The target for the social insurance system in the medium-term development plan (2010/2011 — 2013/2014) was achieved, with the maximum ceiling for wages subject to basic insurance raised from KWD 1,250 to KWD 1,500 and an increase in the supplementary pension of up to 67 per cent.

Article 12

The State provides services at primary healthcare centres for everyone, without discrimination, and at all clinics — including family medicine clinics, mother and child clinics, health promotion clinics, dental clinics, preventive health clinics, public health clinics, anti-smoking clinics, anti-obesity clinics, chronic disease clinics, healthy child clinics, diabetes clinics and psychiatric clinics — situated close to where people live. Services, which are provided free of charge to citizens and at a nominal charge of not more than USD 3 (KWD 1) to expatriates, cover full medical examination, counselling, preliminary laboratory tests, X-rays and treatment.

The above-mentioned clinics conduct regular and periodic examination of children and adults and educate the population in health and psychological matters, as well as health-related social issues. This is backed up by having printed instructional materials and audiovisual means of instruction available in waiting rooms.

The State provides family planning services at mother and child centres, which also offer advice on nutrition for pregnant women and infants; breastfeeding is encouraged. These services are also provided at health promotion clinics and healthy child clinics. The State makes allowances for working women by making services available at evening clinics. Furthermore, many primary health-care clinics operate until midnight and some operate around the clock.

When giving birth, an ambulance service is available free of charge for all and State hospitals offer free services to all women, whether delivery is natural or by Caesarean section. For a charge of only KWD 2 (USD 7) upon arrival, expatriates

receive full medical treatment (delivery), nursing care, basic laboratory tests, accommodation, meals and medication.

Article 13

Pursuant to the established principles upon which Kuwaiti society is based — the most important of which being social solidarity, a principle that extends back to the genesis of Kuwaiti society — the Public Assistance Act, no. 9 (1962) was enacted, under which every Kuwaiti is guaranteed protection by the State from misfortune. This was followed by the promulgation of Act no. 5 (1968) to address gaps in the previous act, and Legislative Decree no. 22 (1978), on public assistance. The last of these legislative revisions was Act no. 12 (2011), in which the legislature included rules and guidelines for granting assistance to Kuwaiti families and individuals. The act is designed to cover the main risks to which the Kuwaiti family is exposed in general and to safeguard the rights of Kuwaiti women in this regard in particular, as follows:

(a) Loss of family provider, as in the case of widows and orphans;

(b) Sickness or incapacity of family provider;

(c) Inability of the family provider to meet his expenses, as in the case of insolvent persons and the families of prisoners;

(d) Other special cases, such as families stricken by public or personal disaster, who do not fall into the categories entitled to assistance.

The said act permits additional assistance to be granted to families and individuals to meet specific hardships or achieve social goals other than those already mentioned.

In addition to the foregoing, the concerned agencies of State, represented by the Ministry of Social Affairs and Labour, provide material assistance to citizens whose circumstances so require, pursuant to the State's wish to provide a decent standard of living for families and individuals whose resources are insufficient to meet their needs, particularly widows and divorcées. The State is keen to develop the system of public assistance in order to guarantee a minimum decent standard of living, taking into account economic developments, price fluctuations and inflation, in a manner consistent with the desired standard of living. Thus the State does not fail to extend increases in personal income to those in receipt of public assistance. Under the last legislative review, namely Decree no. 23 (2013), on entitlement to, calculation and assessment of public assistance, support amounted to KWD 559 per month (the equivalent of USD 1,800) for the first family member and not more than KWD 1,300 per month (USD 4,000) for the family as a whole, according to the number of family members. Total State spending on public assistance in 2014 was.....[2] In the above decree, the concern of the legislature was not only to determine the amount of assistance to be provided but also to expand the beneficiary base to include, in particular, the following groups:

- Widows: women whose husbands are deceased and who have not remarried are entitled to public assistance; also divorced women, meaning women who have completed the waiting period following termination of a valid marriage

[2] *Amount missing, apparently* — Translator.

that has or has not been consummated. The decree states that assistance shall be given to prisoners' wives and children. Each wife is considered as a separate household for the purposes of assessing assistance, as are unmarried females over the age of 18 who have no provider and women between 35 and 60 years of age, even if they have a provider. Women married to non-Kuwaitis and married Kuwaiti women aged over 55 who have no known source of personal income can also receive public assistance. These are all public assistance benefits that are offered to Kuwaiti women.

- Groups such as the elderly and handicapped require special care and this includes Kuwaiti women, in implementation of article 11 of the Constitution, which states: *The State ensures aid for citizens in old age, sickness or inability to work*. The State is concerned to provide protection and care for the elderly, giving priority to health, psychological and social aspects.
- On the subject of care for the elderly, the Kuwaiti legislature has incorporated various social principles and regulatory frameworks to ensure delivery of the best possible care and protection for older persons under Act no. 11 (2007), on care for elderly. Under Act no. 12 (2011), on public assistance, the State provides monthly financial support of KWD 559 (the equivalent of USD 1,800) for the elderly of both sexes who have a proven need.

The right to participate in recreational activities, sports and all aspects of cultural life

Through the many agencies attached to it, the Ministry of Social Affairs and Labour provides numerous cultural, social and leisure services and activities targeting women. The ministry does this through the following agencies:

Woman and Child Department

This department is responsible for formulating policy on the training and advancement of Kuwaiti women. It conducts studies on the problems faced by Kuwaiti women and proposes appropriate solutions; monitors implementation of Arab and international charters and conventions on women; addresses core childhood needs by incorporating these in development plans; coordinates with relevant public and private sector organizations to draw up policy, programmes and activities; devotes attention to the role of the family by organizing programmes for mothers to instruct them in childcare; and runs kindergartens which, alongside receiving children also welcome mothers, enabling them to pursue useful activities, such as dressmaking, embroidery and typing. Kindergartens are an effective means of making mothers aware of modern methods of childcare and of developing their health, cultural and social awareness by instructing them using modern educational methods, enabling them to acquire experience in simple aspects of housekeeping and opening new horizons for them to assume their responsibilities toward their families and children.

Community Development Department

The Community Development Department attached to the Social Development Sector is responsible for supervising implementation of policy on community development centres. It provides the social services and family advice that groups within the community need, trains and builds the capacities of Kuwaiti women in

professions suitable for them and coordinates with cooperative societies to subsidize the social services the region needs. Community development centres strive to make the best use of available human and material resources in the regions to serve citizens and help protect the community from social problems. They seek to promote the involvement of the local population in voluntary social work to serve community interests within a framework of popular participation, strengthen family bonds and relations between family members and maintain the unity of the family as an entity.

Participation of women in civil society organizations

Civil society organizations offer a forum for engaging in social, cultural and sporting activities. They seek to develop the individual and empower him socially. Philanthropic societies in Kuwait are the most prominent example of this type of organization, of which there are 114 well-established ones. The right to form philanthropic societies is guaranteed under article 43 of the Constitution, as is the right of membership thereof, regardless of gender; there is no discrimination in this respect between male and female. Women have a presence in all of these societies as active and effective members and women's committees have been formed in them to organise women's social, cultural and sporting events.

Aside from dozens of women's committees in various philanthropic societies, seven societies and clubs specifically for women have been announced, in addition to a federation to which all these societies are affiliated. They work together and individually to empower women socially and defend women's interests.

Furthermore, the State does not discriminate between men and women in respect of the right to obtain bank loans and mortgages, when the conditions are met.

Article 14

In the State of Kuwait, there are no rural and non-rural areas, given urban development and the progress in all areas.

Article 15

The Kuwaiti Constitution holds all citizens to be equal before the law in respect of rights and duties and Kuwaiti law is bound by this principle. By way of example, Act no. 16 (1960), promulgating the Penal Code, affirms the principle of equality in the application of its provisions. Article 11 stipulates that its provisions shall apply to any person who perpetrates in the territory of Kuwait any of the offences provided for in the code. Furthermore, the principle of equality applies with respect to the assumption of public office, employment, free choice of work and the right to education, healthcare, movement, residence, domicile etc. Under article 31 of the Constitution, it is forbidden to arrest, detain or search any person or compel him to reside at a given location or restrict his freedom of residence or movement, except as prescribed by law.

The provisions of the Civil Code are consistent with the rights stated in article 15(2) of the Convention, which include granting women the same legal competence as men. Article 9 of the code states that the personality of a human being begins at birth and ends upon death, while article 84 stipulates that every person has the legal

capacity to conclude contracts, unless the law states that he is legally incompetent or of diminished capacity.

Article 96 states that any person who has attained the age of majority is fully competent to carry out legal transactions. According to the code, the age of majority is 21 and any person having attained that age continues to have full legal capacity unless an impediment thereto should arise.

It will be clear from the foregoing that the provisions of the Civil Code are general, unbiased and without distinction or discrimination between men and women. Furthermore, they do not restrict the legal capacity of women on grounds of marriage or ties of kinship. Accordingly, if a woman attains the legal age of majority, she is competent to exercise all the rights and carry out all the legal transactions for which provision is made in the Civil Code and other laws in force. She is also competent to administer her property and possessions, as well as her personal affairs, without the imposition of restriction, limitation or impediment in regard to her capacity.

Legal procedures in Kuwaiti courts of every level are regulated by Act no. 38 (1980), promulgating the Code of Civil and Commercial Procedure and Act no. 17 (1960), promulgating the Code of Criminal Procedure. The provisions of both codes apply to all litigants, without distinction between men and women.

Believing it to be important, the international community has formulated numerous conventions enshrining core rights and values. These include the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly on 18 December 1979. The Convention contains a set of articles prohibiting, forbidding and outlawing any form of racial discrimination, any restriction on women's freedoms and rights and anything that might frustrate women's ability to enjoy the rights guaranteed to them under the Convention.

The State of Kuwait accords considerable attention to the rights of Kuwaiti women and has gone to great lengths to meet their demands in order to ensure that they enjoy all the rights and entitlements that will ensure them a decent life and effective participation in building Kuwaiti society. Thus Kuwait acceded to CEDAW pursuant to Amiri Decree no. 24 (1994). Furthermore, the Kuwaiti Government includes a number of female ministers and women have assumed important leadership positions in various ministries. The State's efforts to foster the rights of women have culminated in women gaining several seats in the National Assembly.

The institutions of State have supported women's participation in the judiciary and the Supreme Judicial Council issued Decision no. 14 (2013) of 20 May 2013, admitting 22 women applicants from a total of 62. Those applicants who are accepted take a training course at the Kuwait Institute for Judicial and Legal Studies, enabling them subsequently to work in the public prosecution service and judiciary. According to a decision of the Supreme Judicial Council issued on 22 October 2000, only after working in the judiciary for not less than five years is it possible to be transferred or promoted to work as attorney general or senior prosecutor (A). This indicates that, to become a judge, it is necessary to work as a member of the prosecution service.

Women thus play an important and fundamental role in the life of Kuwaiti society. They are blessed with the attribute of motherhood and have the physical and psychological make-up to qualify them in the appropriate circumstances to be nurse,

child-raiser and teacher at the same time. The role of women has developed over the ages until it has reached the point we are at today, where women occupy the highest positions, assume important duties and are responsible for many matters.

The Constitution and the law guarantee freedom of movement and choice of domicile and residence equally to men and women. Kuwaiti laws place no restriction on a person's movement due to that person's sex, especially after the ruling of the Constitutional Court in appeal no 56 (2008) — which acknowledged a woman's right to freedom of movement by annulling article 15 of Act no. 11 (1962), on passports, as amended by Act no. 105 (1994), which required the approval of the husband for a wife to be granted a separate passport — and the judicial provisions adopted which permit a woman to renew her official papers without her husband's approval. This enshrines equality between men and women in respect of the issue of official papers in exercise of the right of freedom of movement.

Furthermore, Kuwaiti law upholds non-discrimination on the basis of gender in relation to the freedom of persons to choose their domicile and residence, in accordance with Civil Act no. 67 (1980), Real Estate Rent Act, no. 35 (1978) and Aliens' Residence Act, no. 17 (1959).

(Whereas the Constitution permits the restriction of freedom of residence under the law and Legislative Decree no. 125 (1992) permits the housing of families only in certain residential areas, they do not seek to prevent women from choosing their domicile).

Article 16

The provisions of the Civil Code are general, unbiased and without distinction or discrimination between men and women. Furthermore, they do not restrict the legal capacity of women on grounds of marriage or ties of kinship. Accordingly, if a woman attains the legal age of majority, she is competent to exercise all the rights and carry out all the legal transactions for which provision is made in the Civil Code and other laws in force. She is also competent to administer her property and possessions, as well as her personal affairs, without the imposition of restriction, limitation or impediment in regard to her capacity.

In accordance with Act no. 12 (2015) which created it, the Family Court is the body which is competent to settle marital disputes under the Personal Status Act, no. 51 (1984), which regulates all matters pertaining to personal status, including marriage, divorce, maintenance, custody, inheritance and legacies.

In Kuwait, marital issues are regulated by the Personal Status Act. This gives a woman the right to choose a husband and conclude a marriage contract only with her consent. A woman's choice of husband is established in law and a father may not compel his daughter to marry. It is explicitly stipulated in the Personal Status Act that the right of choice and consent are limited to the two contracting parties only (the husband and wife).

Act no. 31 (2008), requires those wishing to marry to undergo a medical examination prior to conclusion of the marriage to establish that they are free of the infectious and genetic diseases to be determined by decision of the Minister of Health. This is confirmed by a medical certificate declaring that it is safe to marry. The certificate is valid for a period of six months from date of issue. The marriage official cannot conclude the marriage and the marriage contract cannot be notarized

until the certificate has been presented. If the result indicates that it is not safe to marry, an acknowledgement thereof from both parties is attached thereto stating that they are aware of the result yet agree to the conclusion of the marriage contract.

The Personal Status Act sets 15 as the legal age of marriage for girls and 17 for boys and the law forbids notarization or attestation of the marriage contract in the official register if spouses are younger than that at the time of notarisation. The law specifies age of marriage and stipulates mental competence, maturity, suitability between spouses and matching ages (which is the right of the wife alone) as conditions for marriage.

The Personal Status Act, no. 51 (1984), gives women numerous rights and responsibilities. Following conclusion of the marriage contract, a woman has the right to a dower and accommodation, as well as the right to receive maintenance from her husband in accordance with his financial situation. She may claim maintenance in the event of the husband's refusal to provide for her.

As for a woman's right to divorce or have the marriage contract annulled, articles 126 to 138 accord her the right to seek a separation on grounds of injury or desertion.

From the above provisions, it is clear that a woman may resort to the courts to seek a divorce from her husband if it is impossible for the two to cohabit. She further has the right to seek a divorce if her husband fails to provide for her, has no apparent assets but has not been proven insolvent, in which case the judge shall grant the husband a period of time in which to pay maintenance; if he fails to do so, his wife may then seek a divorce.

A woman has the right under Islamic Shariah to request divorce at her own insistence (*khula*) in the event of death or discord. Article 111 of the Personal Status Code, on divorce at the insistence of the wife, stipulates:

(a) *Khula* is the divorce of a wife by her husband in exchange for compensation satisfactory to him, upon pronouncement of *khula, talaq*, or *mubarat* divorce (divorce by mutual consent of both spouses), or the equivalent thereof;

(b) Only the two spouses or their authorized representatives can exercise *khula*.

A woman's right to custody of her children is regulated by articles 189 to 199 of the code. Under article 189, the mother is granted custody, followed by her mother. If she is unable to take custody then the wife's maternal aunt is granted custody, followed by the mother's maternal aunt, the mother's paternal aunt, the father's grandmother, the father's paternal aunt, the father's maternal aunt and lastly a cousin, with the mother's side taking precedence over the father's side.

All the above-mentioned provisions are derived from the Islamic Shariah, the principal source of legislation as per article 2 of the Constitution, which stipulates: *The religion of the State is Islam and the Islamic Shariah shall be a main source of legislation.*

Commenting on article 2 of the Constitution, the Explanatory Memorandum to the Constitution points out that this article does not stop at the statement, *The religion of the State is Islam* but stipulates that *the Islamic Shariah* — i.e. Islamic

jurisprudence — *shall be a main source of legislation*. In formulating the provision thus, the legislature is directed towards an essentially Islamic perspective without being prohibited from introducing provisions from other sources regarding matters whereon Islamic jurisprudence has not formulated a ruling or where it would be preferable to develop provisions designed to keep abreast of the exigencies of natural development over time. Indeed, the provision allows modern penal laws to be adopted alongside the punishments mandated by the Shariah. This, however, would not hold up if the text said: *the Islamic Shariah shall be the main source of legislation*. The import of the provision is that it is impermissible to adopt another source in respect of any matter on which the Shariah has ruled, thereby possibly putting the legislature in an extremely embarrassing situation, if practical considerations had caused it to hesitate in its commitment to the opinion of Islamic jurisprudence in certain matters, such as company law, insurance, banks, loans, mandatory punishment and the like.

It will be noticed that the Constitution, which affirms that *the Islamic Shariah shall be a main source of legislation*, only places the legislature under an obligation to adopt the provisions of the Islamic Shariah to the extent that it is able to do so, while calling upon the legislature unequivocally and clearly to take this approach. As such, the said provision does not prevent the adoption now or at some point in the future of Shariah rulings in full on all matters, if the legislature so decides.

Accordingly, it is evident that the Kuwaiti legislature, while committed to upholding the provisions of the Shariah, may introduce legislative provisions from other sources in respect of matters on which Islamic jurisprudence has not formulated a ruling.